

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE RUSSELL INVESTMENT COMPANY) Lead C.A. No. 1:13-cv-12631-WGY
SHAREHOLDER LITIGATION)
) (Consolidated with No. 1:14-cv-14358-WGY)
)

PARTIES' PROPOSED JOINT CASE MANAGEMENT SCHEDULE

Pursuant to the November 16, 2016, Electronic Clerk's Notes (Document 166), IT IS ORDERED that the above-entitled action shall be placed on the Court's running trial list for **March 6, 2017 at 9:00 A.M.** in Courtroom 18, of the John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 2300, Boston, Massachusetts 02210 before the Honorable William G. Young. Opening statements and presentation of evidence will follow immediately thereafter. The trial will continue from day-to-day until completed.

1. Pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16.5 of the Local Rules of the United States District Court for the District of Massachusetts ("Local Rule"), and the November 16, 2016, Electronic Clerk's Notes (Document 166) it is further ORDERED that counsel shall appear for a Final Pretrial Conference *as ordered by the Court 1/18* on ~~February 21, 2017~~ in Courtroom 18.

2. In preparation for the Final Pretrial Conference, it is ORDERED that the parties disclose to one another in accordance with Fed. R. Civ. P. 26(a)(3) and Local Rule 16.5(c), by no later than the close of business on *January 18, 2017*:

a. all photographs, documents, instruments and other objects either party intends to offer as exhibits at trial, other than solely for impeachment, including any demonstrative exhibits or exhibits summarizing other evidence that either party intends to offer at trial;

b. the names, addresses and telephone numbers of witnesses each party intends to call at trial, including expert witnesses; and

c. the names of witnesses, if any, whose testimony is to be presented by means of deposition and a transcript of the pertinent portions of the deposition testimony.

3. Following the disclosures made pursuant to the previous paragraph, the parties shall serve upon one another, by no later than the close of business on **January 31, 2017**, a list describing any objections thereto and the grounds therefor. As per Local Rule 16.5(c), these objections shall be one of the subjects to be discussed at the pre-Final Pretrial Conference meeting (*see ¶4, infra*). Objections not so disclosed, other than objections pursuant to Rules 402 and 403 under the Federal Rules of Evidence, are waived according to Fed. R. Civ. P. 26(a)(3), unless excused by the Court for good cause.

4. In further preparation for the Final Pretrial Conference, it is ORDERED pursuant to Local Rule 16.5(d) that the parties meet telephonically on or before **February 3, 2017**, to discuss and negotiate settlement of the action, to narrow the issues to be tried, and to prepare a Joint Pretrial Memorandum as described below.

5. The parties shall prepare and file no later than **February 6, 2017**, which is the first Monday in February 2017, a Joint Pretrial Memorandum, which sets forth the following issues pursuant to Local Rule 16.5(d):

a. a concise summary of the evidence which will be offered by the plaintiff and the defendants with respect to both liability and damages (including special damages, if any);

b. a statement of facts established by the pleadings, by admissions, or by stipulations;

- c. any factual issues in dispute;
- d. any jurisdictional questions;
- e. any questions raised by pending motions;
- f. issues of law, including evidentiary questions, together with supporting authority;
- g. any requested amendments to the pleadings;
- h. any additional matters to aid in the disposition of the action;
- i. the probable length of the trial;
- j. the names of all witnesses to be called, the purpose of the testimony of each witness (i.e. factual, expert, etc.), and whether the testimony of any such witness is to be presented by deposition. Unless the qualifications of any expert witness are stipulated, a statement of the qualifications shall be included;
- k. utilizing disclosures made pursuant to Sections 2 and 3, above, counsel shall include in their Memorandum a "List of Uncontested Exhibits" (photographs, documents, instruments, and all other objects as to which there appear to be no objections), in order of their anticipated introduction to the Court, identified and marked by a single sequence of numbers regardless of which party is the proponent;
- l. utilizing disclosures made pursuant to Sections 2 and 3, above, counsel for the respective parties shall include in their Memorandum a "List of Plaintiff's Exhibits to be Offered at Trial" and a "List of Defendants' Exhibits to be Offered at Trial," which shall each consist of exhibits to which the other party reserves the right to object; and

m. the parties' respective positions on any remaining objections to the evidence identified in the pretrial disclosures required by Fed. R. Civ. P. 26(a)(3) and Local Rule 16.5(c), as well as any deposition testimony being offered.

6. Each party shall prepare and file no later than **February 17, 2017**, a Trial Brief pursuant to Local Rule 16.5(f).

DATED: November 30, 2016

Respectfully submitted,

ROBBINS ARROYO LLP

/s/ Jenny L. Dixon

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DATED: November 30, 2016

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*Counsel for Defendants Russell Investment
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SO ORDERED *as modified.*

DATED: *December 1, 2016*

William G. Young

HONORABLE WILLIAM G. YOUNG
UNITED STATES DISTRICT JUDGE

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